



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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03/12/98	APPLICATION NUMBER 07/12/98	RECEIPT DATE	FIRST NAMED APPLICANT	R	ATTORNEY DOCKET NO./TITLE
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PM31/0721

DARBY & DARBY  
805 THIRD AVENUE  
NEW YORK NY 10022

RODRIGUEZ, S

3622

07/21/98

DATE MAILED:

**NOTICE OF IMPROPER CPA FILING UNDER 37 CFR 1.53(d)**  
**No Filing Date Granted**

The Continued Prosecution Application (CPA) request deposited on 4-21-98 is improper under 37 CFR 1.53(d) and has not been granted a filing date for reason(s) indicated below:

Any assertions that the above-mentioned CPA request is proper under 37 CFR 1.53(d) must be by way of petition directed to the attention of the Office of Petitions. Any such petition must be accompanied by the \$130.00 petition fee (37 CFR 1.17(i)). If the petition alleges that no defect exists, a request for refund of the petition fee may be included in the petition.

A petition under 37 CFR 1.53(e) as discussed above must be submitted within **TWO MONTHS** of the date of this notice (37 CFR 1.181(f)). **THIS TIME LIMIT MAY NOT BE EXTENDED PURSUANT TO 37 CFR 1.136.** Failure to timely file a petition under 37 CFR 1.53(e) will result in the CPA request being retained in the file of the prior application but treated as never having been filed, in which case applicant may request a refund of the CPA filing fee (if submitted) less the \$130.00 handling fee (37 CFR 1.21(n)).

- ☐ 1. The prior application is not a complete (37 CFR 1.51(b)) application or the national stage of a PCT international application that is in compliance with 35 U.S.C. 371.
- ☐ 2. The request for a CPA was not filed before the payment of the issue fee on the prior application. The issue fee was paid on the prior application on \_\_\_\_\_.
- ☒ 3. The request for a CPA was not filed before the abandonment of, or termination of proceedings on, the prior application. The prior application was abandoned, or proceedings terminated on 5-29-98.
- ☐ 4. A petition for an extension of time under 37 CFR 1.136(a) accompanied by the appropriate fee (37 CFR 1.17(a)) are necessary to establish copendency between the prior application and this CPA request.
- ☐ 5. OTHER: \_\_\_\_\_

**A copy of this notice MUST be returned with the reply.**

Direct any questions about this Notice to:

Douglas White

Examining Group 3600

(703) 30-5-7812